

**144.34 Disinterment — permit.**

1. *a.* Disinterment of a dead body or fetus, without a court order, shall be allowed for the purpose of autopsy or reburial only, and then only if supervised by a funeral director.

*b.* Disinterment of cremated remains, without a court order, shall be allowed, but only if supervised by a funeral director.

*c.* The state registrar, without a court order, shall not issue a permit without the consent of the person authorized to control the decedent's remains under [section 144C.5](#).

2. *a.* Disinterment of a dead body or fetus for the purpose of reburial may be allowed by court order only upon a showing of substantial benefit to the public, and then only if supervised by a funeral director.

*b.* Disinterment of a dead body or fetus for the purpose of autopsy by court order shall be allowed only when reasonable cause is shown that someone is criminally or civilly responsible for such death, after hearing, upon reasonable notice prescribed by the court to the person authorized to control the decedent's remains under [section 144C.5](#), and then only if supervised by a funeral director.

*c.* Disinterment of a dead body or fetus for the purpose of cremation may be allowed by court order only if supervised by a funeral director. Subsequent to the disinterment, cremation of the body shall only be allowed upon a determination by the state or county medical examiner that the death was due to natural causes.

3. A permit for disinterment shall be issued by the state registrar according to rules adopted pursuant to [chapter 17A](#) or when ordered by the district court of the county in which such body is buried. A person authorized to control final disposition of a decedent's remains under [section 144C.5](#) is an interested person and shall be entitled to notice prior to the obtaining of a court order.

4. Due consideration under [this section](#) shall be given to the public health, the preferences of a person authorized to control final disposition of a decedent's remains under [section 144C.5](#), and any court order.

[C24, 27, 31, 35, 39, §2337, 2338; C46, 50, 54, 58, 62, 66, §141.21, 141.22; C71, 73, 75, 77, 79, 81, §144.34]

[2008 Acts, ch 1051, §2, 22; 2020 Acts, ch 1025, §2](#)

Referred to in [§144.52](#), [331.611](#), [5231.309](#), [5231.402](#)